



**Terri Janke
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Lawyers and Consultants

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Our Knowledge, Your Future

Our Ref: SW:HB:07265

13 December 2024

Elliott Bledsoe
Wikimedia Australia Inc
PO Box 3
Marleston SA 5033
Australia

By Email: elliott.bledsoe@wikimedia.org.au



Dear Elliott,

**Scoping Project to Integrate ICIP and IDSov Best Practice at Wikimedia Australia:
Audit, Scoping Document and Strategic Guidance**

Background

Wikimedia Australia Inc (**Wikimedia Australia**) is seeking to engage Terri Janke and Company (**TJC**) to undertake a scoping project for Wikimedia Australia to create guidelines for Wikimedia Australia, its members and partners engaging with Indigenous content through the establishment of Indigenous Cultural and Intellectual Property (**ICIP**) and Indigenous Data Sovereignty (**IDSov**) protocols and educational resources.

Research indicates that Wikipedia and Wikimedia platforms are culturally challenging. Wikimedia Australia have identified a lack of guidance for staff and contributors (**Wikimedians**) in effectively working with content relating to, about or by Indigenous people or Country, including Indigenous Australians' knowledge and history (**Indigenous Content**). It has sought guidance on best practice engagement, ICIP and IDSov from TJC based upon Dr Terri Janke's internationally renowned True Tracks® Principles to set industry-leading benchmarks for Wikimedia Australia, its members and partners.

Wikimedia Australia supports individuals and organisations in contributing to Wikipedia, Wikidata and other Wikimedia platforms through events, training and partnerships. Across Wikimedia platforms, including those beyond Australia, staff and Wikimedians engage with Indigenous Content. As part of an international network, Wikimedia Australia recognises the importance of



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ensuring Indigenous perspectives are appropriately integrated into their platforms. Indigenous Content is often contributed without cultural consent. It can find its way onto Wikimedia platforms and projects through a range of pathways and some of this content contains misleading or derogatory material. This is a significant issue that has resulted in a lack of trust among Indigenous communities, who view the platforms as culturally unsafe.

Wikimedia Australia is committed to developing and providing to the Australian editing community an Indigenous-led guide to approaching Indigenous topics in a culturally sensitive and respectful way. It supports the Wikimedia Foundation's call to "promote radical knowledge equity, creating a living record of history, stories, and contexts for and by all people" and recognises that neither Wikimedia Australia nor the Wikimedia Foundation have authority over editing protocols on the platforms, which are established by the editing community itself.

Through its collaboration with TJC, Wikimedia Australia hopes that Wikimedians will be able to find new pathways to support the global mission to "open the knowledge" respectfully and ethically. It aims to make Wikipedia more diverse, equitable, accessible and inclusive. This commitment includes creating new guidelines for supporting the preservation and protection of ICIP and Indigenous data in online content. To achieve this, Wikimedia Australia needs a forward-thinking strategy to mitigate the potential risks associated with open-source platforms that relies upon users to create and curate knowledge-based content.

Wikimedia Australia seeks to engage TJC to conduct a scoping project to embed best practices for ICIP and IDSov into its operations and across the Wikimedia movement, setting a new standard for ethical and respectful engagement with Indigenous Content in free knowledge platforms. The scoping project is a crucial first step in Wikimedia Australia's vision to be change-makers in the protection of ICIP and IDSov. This project will establish the foundation for future progress by identifying gaps in Wikimedia Australia's current practices, and in volunteer contributors' normative, curatorial, technical and content practices on Wikimedia platforms. It will outline areas for immediate improvement and long-term strategic development.

Deliverables

Following the discussions that Wikimedia Australia and TJC had on 6 December 2024, we have prepared the following deliverables:

- **Attendance at 3 x 1-3hr Training Sessions:** We will attend 3 training sessions (Dr Terri Janke will attend one, Shevaun Wright and Hannah Byun will attend all) on Wikipedia, Wikimedia Commons and Wikidata to brief TJC on these key Wikimedia platforms and how they operate so that TJC can conduct a high-level audit into ICIP, IDSov and Indigenous engagement issues across the organisation and platforms.
- **High-Level ICIP and IDSov Audit, Scoping Document and Strategic Guidance:** We will conduct a review and audit of the key Wikimedia Australia operations and key Wikimedia platforms: Wikipedia, Wikimedia Commons and Wikidata to identify areas for improvement, complemented by a scoping document that includes an executive summary for the Wikimedia Australia Board and key stakeholders in the Wikimedia movement, with recommendations and strategic advice to integrate ICIP and IDSov considerations (including protocols) and pricing for implementation.

Key Needs

Wikimedia Australia: Setting the Standard

Wikimedia Australia seeks to contribute to the global mission to make knowledge equity a reality. The Australian chapter will lead by example in embedding the protocols of ICIP and IDSov in their own work, as well as seeking to set a new standard for both the organisation, its members and partners who create and curate content containing ICIP and IDSov. As an open-source platform, Wikimedia relies on its community of Wikimedians to collaboratively temper, correct and intervene in the creation and curation of content. This Wikimedia initiative addresses the ethical handling of ICIP and IDSov and establishes a strategic framework that empowers contributors to engage responsibly.

By providing a guideline for Wikimedia Australia and its members who engage with Indigenous Content through the establishment of best practices and benchmarks into its operations, Wikimedia Australia aims to shape normative, technical and content practices. It aims to foster a culture of inclusivity and respect within its contributor community. This work will serve as a public educational tool, showcasing strategic thinking that enhances Wikimedia Australia and the Wikimedia movement's reputation as global leaders in ethical and culturally sensitive content sharing.

Operating since 2000, TJC is an Indigenous-owned legal and consulting firm that is best placed to partner with Wikimedia Australia in their trailblazing direction. TJC draws from over two decades of experience working with and empowering Indigenous peoples, communities and businesses to protect and maintain ICIP. Our work is underpinned by the thought leadership of Dr Janke, Solicitor Director, who has advised across industries on ICIP strategies and protocols, to promote cultural awareness and safety within institutions.

Comprehensive ICIP Integration

Wikimedia Australia aspires to embed ICIP and IDSov principles into its operations and signal best practices for the community-driven platforms. Comprehensive integration of ICIP and IDSov practices will strengthen Wikimedia Australia's ethical foundation, build meaningful and sustained engagement with Indigenous knowledge among Wikimedians and platform users and position Wikimedia Australia as a leader in cultural respect, inclusivity and collaboration within the open-source movement and beyond.

To achieve this, TJC will undertake an audit and review of key areas of Wikimedia Australia's operations and contributor guidelines, content management protocols and platform policies on Wikipedia, Wikimedia Commons and Wikidata. This work will assess the extent to which ICIP and IDSov principles are currently acknowledged and compatible with Wikimedia Australia's approach, and the normative, technical and content practices of the platforms to identify gaps and provide actionable recommendations for improvement. The resulting scoping document will include tailored advice and implementation pricing to address areas requiring immediate attention, including the development of protocols for ICIP-aligned content development practices and IDSov measures.

This approach will not only identify areas for enhancement but will also highlight existing strengths, fostering a foundation for sustainable best practices. By embedding these principles across all aspects of operations, Wikimedia Australia can lead the way in setting standards for Australians. Integrating ICIP and IDSov principles at Wikimedia Australia can also assist in

addressing challenges with Indigenous engagement. By demonstrating a commitment to best practice engagement with Indigenous knowledge, Wikimedia Australia can foster a more inclusive and culturally safe environment that encourages stronger and mutually beneficial relationship with Indigenous communities. This work will also serve to educate Wikimedians on their role in respecting these principles and leveraging the platform as a public educational tool that demonstrates best practices in ethical content sharing. With extensive experience in conducting audits and developing practical, culturally respectful strategies, TJC is well-placed to support Wikimedia Australia in achieving these goals.

Next Steps

Accompanying this Proposal, we have provided our Cost Agreement including terms of our engagement via a separate email from Adobe E-Sign. If you would like to proceed on the basis of this Proposal, please sign and complete the Cost Agreement. We can then commence the work.

Our Proposal is flexible and can be adapted further to suit your needs if required. If you would like to discuss this Proposal further, or if you have any issues with the e-signable Cost Agreement, please contact us on 02 9693 2577 or by email at shevaun@terrijanke.com.au

We look forward to working with you on this exciting project.

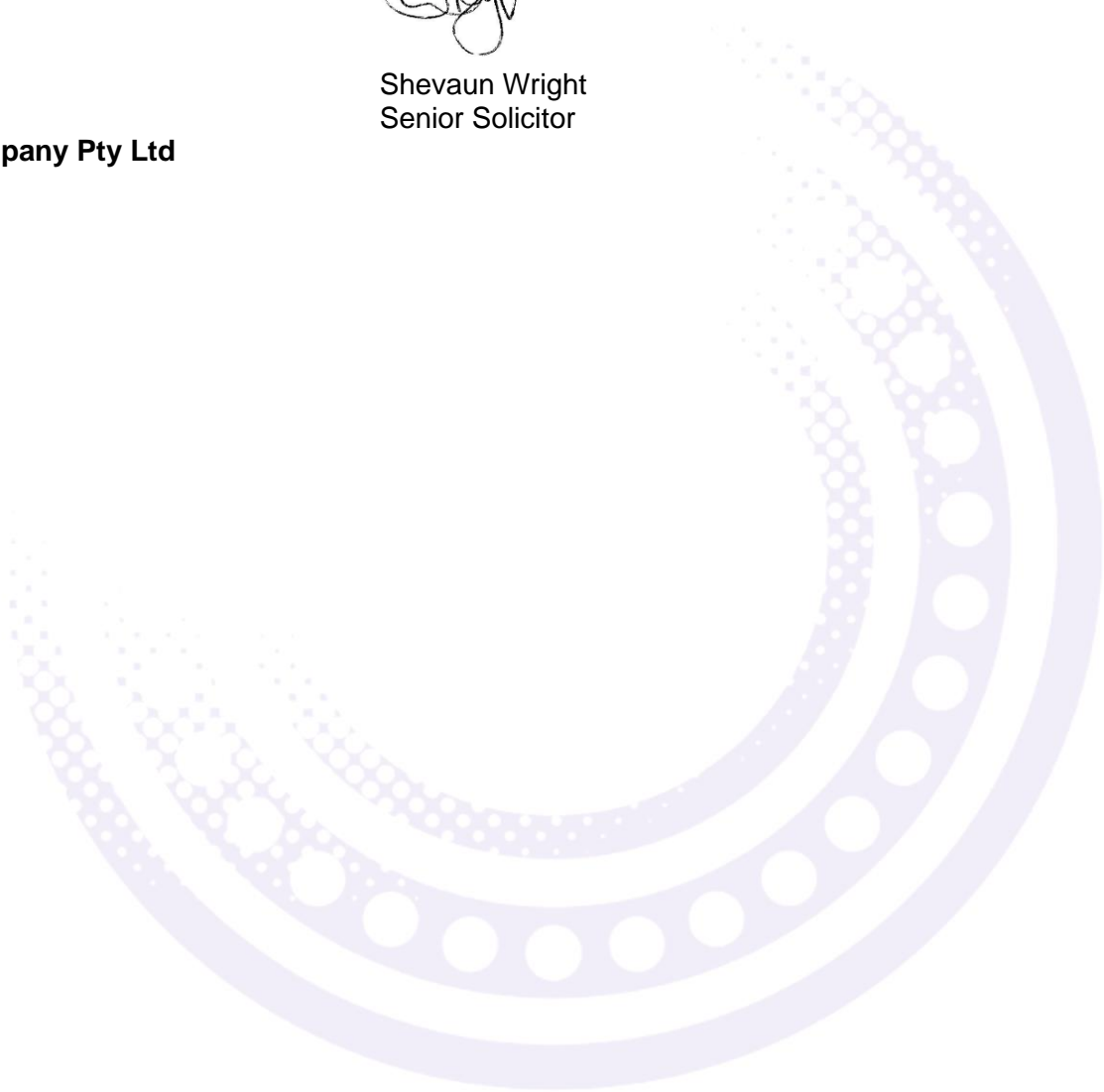
Yours sincerely,



Dr Terri Janke
Solicitor Director
Terri Janke and Company Pty Ltd



Shevaun Wright
Senior Solicitor



Dedicated team to project outcome

Dr Terri Janke, BA LLB (UNSW) PhD (ANU)
Solicitor Director



Expertise

Terri Janke is a Wuthathi/Yadhaigana and Meriam woman and an international authority on Indigenous Cultural and Intellectual Property (ICIP), known for innovating pathways between the non-Indigenous business sector and Indigenous people in business. As the owner and Solicitor Director of Terri Janke and Company, she manages her team to deliver excellent results to a diverse client base. Terri advises on legal matters including intellectual property, business law, shareholder agreements and governance of Indigenous organisations. She has written leading ICIP Protocols and models for various sectors including the arts, museums, archives, film and business. Terri recently presented the Francis Gurry Lecture 2024 "Tracking for change: a pathway for a future Indigenous Cultural and Intellectual Property Law".

Experience

Terri holds a PhD from the Australia National University for her thesis [*True Tracks: Indigenous Cultural and Intellectual Property Principles for putting Self-Determination into practice*](#). She graduated from UNSW with a Bachelor of Arts & Law. Terri is a graduate of the Australian Institute of Company Directors (AICD) and Resolve Mediators. She is currently a director of the Copyright Agency and the Chair of ID Know Yourself. She is a member of the AI Expert Working Group advising the Minister on AI legislation. Her previous board positions include: AIATSIS, National Gallery of Australia, Australian Copyright Council; Bangarra Dance Theatre, National Centre of Indigenous Excellence (Deputy Chair), State Library of NSW, Jawun, Tourism Australia, Indigenous Rugby Committee (Chair), National Indigenous Television (Chair) and Ngalaya Indigenous Lawyers Association (Chair).

Recent Projects

- Lead, the Australian Broadcasting Corporation's **Review into ABC Systems and Processes in Support of Staff who Experience Racism**, 2024.
- Advisor and consultant to Ambassador Justin Mohammed, negotiations on **WIPO Treaty on Intellectual Property, Genetic Resources and associated Traditional Knowledge**, 2024.
- Lead, **Dhawura Ngilan (Remembering Country): A Vision for Aboriginal and Torres Strait Islander Heritage, Guides for Businesses and Investors for Dhawura Ngilan Business and Investor Initiative**, 2024.
- Lead, Torres Strait Regional Authority's **ICIP Protocols for Land and Sea Management Unit**, 2023.
- Lead, Queensland University of Technology's **ICIP Protocol and Community Guide**, 2023.
- Lead, **Indigenous Engagement Strategy 2023** for Sydney Opera House.
- Co-Chief Author, **State of the Environment Report**, 2021.
- Author, **True Tracks: Respecting with Indigenous knowledge and culture**, 2021.
- Lead Author, Australian Museums and Galleries Association, **First Peoples: A Roadmap, Project Report and Connecting Custodians**, 2018.
- Lead Author, IP Australia discussion paper, **Indigenous Knowledge: Issues for protection and management**, 2017.
- Advisor, for **Sydney Opera House** on Indigenous Engagement, ongoing.

Awards

1. **NAIDOC Person of the Year** 2011
2. **Australian Attorney-General's Indigenous Legal Professional of the Year** 2012
3. Finalist, **Sydney City Regional Business Awards** 2018
4. **Community Lawyer of the Year** (NSW Women Lawyers) 2019
5. **Indigenous Business Leader of the Year** (My Business Awards) 2019
6. **CEW & Vincent Fairfax Fellowship** 2019
7. **Alumni Award for Social Impact** (UNSW) 2020
8. **J.G. Crawford Prize 2021** (ANU) for PhD
9. Finalist, **Thought Leader of the Year** (Women in Law Awards) 2022
10. Listed on, **Elite Women 2023** list (Australasian Lawyer)
11. **AI Women in the Law Award, Indigenous Excellence** 2024



Shevaun Wright, BA/LLB (MU), MFA (UCLA), LLM (UniMelb)
Senior Solicitor



Expertise

Shevaun is a practising artist and lawyer with expertise in the fine arts as well as commercial and construction law. Her areas of specialty include infrastructure projects and arts related legal issues. Shevaun is passionate about empowering Indigenous people to thrive in both the public and private sectors through legal advocacy, broader community training and innovative contractual solutions.

Experience

Shevaun was admitted as a solicitor of the Supreme Court of New South Wales in February 2008 after graduating from Macquarie University with a Bachelor of Laws and Bachelor of Arts. Since then, Shevaun has completed a Master of Laws at the University of Melbourne in 2010, Master of Art at the University of New South Wales in 2012 and Master of Fine Arts at the University of California, Los Angeles (UCLA) in 2019 majoring in interdisciplinary studies.

She undertook her studies at UCLA as the 2017 Australian Cultural (Tim Fairfax AC and Australia Council of the Arts) John Monash Scholar. In 2022 Shevaun was also admitted to the California bar. She has practiced law in both the United States and Australia. Her work on legal aesthetics is the subject of several publications including Katherine Biber, Trish Luker and Priya Vaughan, *Law's Documents: Authority, Materiality and Aesthetics* (Routledge, 1st ed, 2022).

Her art has been exhibited internationally, winning the Parliament of New South Wales Aboriginal Art Prize in 2015.

Recent Projects

- Office of the 24 Hour Economy, **Policy for Indigenous inclusion and engagement**, 2023.
- Drafted ICIP inclusions to **AERO's Data and Information Management Policy**, 2024.
- Advisor to the NSW AECG on governance, ongoing.
- Presenter of **True Tracks Workshops**, including co-presenting to Westpac Bank and speaking at the 2024 Neon Forum on behalf of our client, the Office of the 24-Hour Economy Commissioner.
- Presenter of **Law Way® workshop: Can AI Respect Culture?**, 2024.
- Presenter of **AI workshop for National Association for Visual Arts**, 2024.
- Advice on governance and Indigenous engagement strategies.
- Developing contracts and notices for ICIP rights and copyright.

Our Standards

Terri Janke and Company (TJC) will deliver to the following standards:

Academic and research standards	All TJC publications follow the Australian Guide to Legal Citation, the leading standard for footnotes and referencing in the legal profession.
Australian Protocols and Standards for Working with Aboriginal and Torres Strait Islander people and culture	<p><i>AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research (2020)</i>. These guidelines were reviewed and updated with input from Terri Janke in 2003, 2007 & 2018.</p> <p>National Statement on Ethical Conduct in Human Research 2007 (updated 2018) – developed jointly by the National health and Medical Research Council and Universities Australia</p> <p>Terri Janke, <i>Writing up Indigenous Research: authorship, copyright and Indigenous Knowledge Systems</i> (2009).</p>
Australian Legal Professional Standards	<p>Terri Janke and Company has been appointed to the Australian Government Legal Services Panel. We report quarterly to the Attorney-General's Department and must comply with standards set out in the Head Agreement and Deeds of Variation. We have also been appointed to the Queensland Government Legal Panel.</p> <p>As members of the Law Society of NSW, we diligently maintain their standards including the Law Society's Statement of Ethics and the <i>Professional Standards Regulations Act 2014</i> (NSW).</p>
Panel certified	<p>Australian Commonwealth Government Legal Panel</p> <p>Queensland Government Legal Panel</p> <p>Torres Strait Regional Authority (TSRA) Business Support Services Panel, Indigenous Business Australia (IBA) service provider</p> <p>Supply Nation Certified Indigenous Supplier.</p> 

ISO 9001 Quality Management Certified

In 2020 TJC achieved formal certification for ISO 9001 Quality Management System. To achieve this, we drafted and enacted over 75 internal documents (including policies, guidelines, scripts and manuals). The process was audited by SAI Global. Certification of ISO9001 Quality Management System indicates our firm has achieved high level organisational maturity with systems that are compliant with internationally recognised models for quality management. The process is helping our firm manage growth.



**CERTIFICATE
OF REGISTRATION**

TJC complies with key international instruments relating to Indigenous Cultural and Intellectual Property (ICIP) rights including:

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

WIPO Draft Provisions/Articles for the Protection of Traditional Knowledge and Traditional Cultural Expressions and IP & Genetic Resources

Insurance

TJC maintains insurance for: professional indemnity, public liability and Workcover. Certificates of Currency can be provided on request.

	Professional Indemnity	Public Liability	Workcover
Name of Insurer	Law Cover	Hollard Commercial Insurance Pty Ltd	icare workers insurance ABN 83 564 379 108
Policy Number	14483- 010715-PI-N	GA700215173BUSP	112812601
Sum Insured	\$10,000,000 each claim	\$20,000,000	N/A
Date of Expiry	30 June 2025	21 September 2025	30 June 2025

Client Testimonials

In 2022, State Library Victoria and Public Libraries Victoria worked with Terri Janke and company to develop a Victorian Public Libraries Cultural Safety and Competency report. This document has become the foundation of our three-year commitment of work to ensure public libraries are safe, welcoming and relevant to Aboriginal and Torres Strait Islander communities in Victoria. Throughout their work with us, Terri Janke and Neane Carter ensured all focus groups and interviews were culturally safe for Indigenous staff, and welcoming and supportive of non-Indigenous staff. Focus group participants commented how they found the sessions open and inclusive in a way that encouraged questions and allowed free-flowing discussions.

Terri and her team were fantastic to work with and they have set up State Library Victoria and Public Libraries Victoria for success in our future work.

**Jacqui Horwood, Head of Library Sector
Engagement, State Library of Victoria
September 2023**



I recently had the opportunity to work with Neane Carter a Djaara, Yorta Yorta, Wamba Wamba, and Wergaia/Wotjobaluk solicitor from Terri Janke and Company. Neane's guidance was instrumental in embedding Indigenous Data Sovereignty principles into the Australian Film Television and Radio School's internal privacy policies.

The process was incredibly smooth, well-researched, and clear, making it easy to follow each step of the way. Neane's professionalism, respectfulness, and deep knowledge of this important area made it an absolute pleasure to collaborate. The Terri Janke Company operates with a high standard of both process and output, reflecting a commitment to excellence that I truly appreciated. This work is essential, and I would be eager to work with Neane and the team again in the future.

**Ellen Hodgson, Outreach Community
Engagement Manager, Indigenous & Outreach,
Australian Film Television and Radio School
November 2024**



We have worked with Terri Janke and Company across a range of projects over the years from developing best practice industry specific resources to delivering agency wide True Tracks workshops to improve the quality of our service. Terri Janke and Company are leaders in the areas they work and we always feel confident to know that work being delivered is culturally proficient and of the highest standard.

**Department of Primary Industries & Regional
Development Western Australia**



Agency engaged the services of Terri Janke & Company for a major digital infrastructure project with over 20x Indigenous Art Centres across the country. Anika Valenti worked closely with Agency and the partnering art centres to identify the project protocols, draft agreements for all participating parties, and to ensure the integrity of participating communities and individuals Indigenous Cultural and Intellectual Property would be protected and upheld throughout the duration of the ongoing project. We highly recommend Terri Janke & Company and the professional and prompt guidance and services provided by Anika Valenti.

Bronwyn Lobb, Agency Projects July 2023

agency

VACCA has engaged Terri Janke Lawyers on several occasions to protect our IP, Indigenous Cultural IP and data sovereignty as an Aboriginal Community Controlled Organisation. Terri Janke Lawyers have helped VACCA to develop an IP and ICIP management plan, conduct management training on IP and ICIP and review draft agreements to ensure our IP, and ICIP is protected. Terri Janke Lawyers are always respectful and provide excellent and timely legal advice relevant to our changing context.

Victorian Aboriginal Child Care Agency 2023

